

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rita Bobe-Saleh (T2)	Team: Team # 2	CCRB Case #: 201408712	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 06/23/2014 12:45 PM, Wednesday, 07/16/2014	Location of Incident: 66 Willow Avenue	Precinct: 120	18 Mo. SOL 12/23/2015	EO SOL 12/23/2015	
Date/Time CV Reported Mon, 08/25/2014 10:29 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 08/25/2014 10:29 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Dhanan Saminath	04270	935678	120 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Tiffany Reyes	14661	937365	120 PCT
2. POM Christian Cataldo	04133	939985	120 PCT
3. POM Daniel Pantaleo	13293	942805	120 PCT
4. POM Frank Desiderato	13351	936473	120 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Dhanan Saminath	Force: Sgt. Dhanan Saminath threw his radio at § 87(2)(b)	

Case Summary

On June 23, 2014, at approximately 12:29 p.m., officers assigned to the 120th Precinct Anti-Crime Unit responded to the vicinity of 66 Willow Avenue in Staten Island for a larceny in progress that involved an individual, later identified as § 87(2)(b)-old, § 87(2)(b) § 87(2)(b) alleged that when the officers attempted to apprehend him, Sgt. Dhanan Saminath threw his radio at him but he avoided it (**Allegation A**). § 87(2)(b) was arrested and transported to the 120th Precinct Stationhouse for juvenile processing.

This case was initially assigned to Inv. Alex Tuminello. On March 27, 2015, the case was re-assigned to Supervisor Rita Bobe-Saleh of the Strike Team.

Mediation and Criminal Histories

This case was not eligible for mediation due to the arrest of § 87(2)(b). § 87(2)(b)'s arrest related to this incident was sealed and given that he is a juvenile, his criminal history is not available to the CCRB.

Civilian and Officer CCRB Histories

- This is § 87(2)(b) and § 87(2)(b)'s first CCRB case (the prior case in the history for 2011 is for § 87(2)(b)'s father who has the same name; See 01 Board Review).
- Sgt. Saminath has been a member of the service for 10 years and has two allegations stemming from the same case, #201308743. The Board substantiated the stop allegation, and the NYPD took no disciplinary action and there was no penalty (See Officer History tab).

Potential Issues

This case was initially deemed officer unidentified. Upon review by the Strike Team in February 2015, it was determined that the wrong incident location had been inputted with the wrong precinct of occurrence. Once this was rectified, a review of the documents revealed the potential subject officers were assigned to the 120th Precinct Anti-Crime team, including PO Daniel Pantaleo (of the Eric Garner case). Inv. Tuminello interviewed two officers who acknowledged the interaction but indicated that the CCRB had the wrong date and that it had happened earlier in the summer on an unknown date. The case was re-assigned to the undersigned investigator, who established that PO Pantaleo arrested § 87(2)(b) on June 23, 2014. Further contact was made with § 87(2)(b) on April 8, 2015 and she confirmed that she may have provided the wrong date when she filed the complaint because she had not been made aware of her son's arrest until late August (See 02 Board Review). Given the details provided by § 87(2)(b) regarding his arrest coupled with the two officer testimonies, it was confirmed that the correct incident date was June 23, 2014.

Findings and Recommendations

Explanation of Subject Officer Identification

- Sgt. Dhanan Saminath, PO Tiffany Reyes and PO Frank Desiderato acknowledged that they were the first officers to interact with § 87(2)(b) and to apprehend him. They match § 87(2)(b)'s descriptions. PO Reyes and Sgt. Saminath were the only two officers to pursue § 87(2)(b) on foot. § 87(2)(b) described the subject officer who threw his radio at him as a black man with a light complexion. § 87(2)(g)
§ 87(2)(b) indicated that an additional

vehicle arrived after he was arrested, which was confirmed by all officer testimonies to be PO Pantaleo and PO Cataldo. They were not witnesses to § 87(2)(b)'s arrest and PO Pantaleo was solely the assigned arresting officer.

Allegations not pleaded

- **Threat of force:** This allegation is not pleaded because the statement, “I should have hit you with the car” does not imply an imminent threat and there was nothing to gain from it. § 87(2)(b) was already arrested and was complying.

Allegation A –Force: Sgt. Dhanan Saminath threw his radio at § 87(2)(b)

It is undisputed by all accounts that § 87(2)(b) was riding his bicycle in the vicinity of Willow Avenue and that the Anti-Crime Team composed of Sgt. Saminath, PO Desiderato and PO Reyes responded to the location within 5 minutes of receiving a call about a larceny in progress with a description of a male black with an afro riding a bike trying to break into cars (See 03 Board Review). Based on § 87(2)(b)'s testimony and all three officers, § 87(2)(b) was asked to stop. § 87(2)(b) indicated that he started to back pedal and the officers told him not to run, at which time they “rushed” him (See 04 Board Review). Sgt. Saminath allegedly threw his radio at § 87(2)(b) which § 87(2)(b) avoided by moving away. All the officers were consistent that § 87(2)(b) back pedaled, dropped his bike and ran away from them causing PO Reyes and Sgt. Saminath to chase after him on foot. Sgt. Saminath denied that he ever threw his radio at § 87(2)(b) (See 05 Board Review). PO Reyes and PO Desiderato denied witnessing him throw his radio at § 87(2)(b) (see 06 and 07 Board Review).

§ 87(2)(g)

Team: Strike Team

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date